APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/634,415	08/05/2003	Ryan J. Highland	03-767	7943

39310   7590   03/10/2008
MBHB/TRADING TECHNOLOGIES
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EXAMINER
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ART UNIT	PAPER NUMBER
3691	

MAIL DATE	DELIVERY MODE
03/10/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/634,415	HIGHLAND ET AL.
	Examiner	Art Unit	
	VIRPI H. KANERVO	3691	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS,
WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☐ Responsive to communication(s) filed on _____.

2a) ☒ This action is **FINAL.**   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle,* 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-11 and 15-26* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-11 and 15-26* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

1.   Claims 1-11 and 15-26 are presented for examination. Applicant filed an amendment on 12/04/2007 cancelling claims 12-14 and 27, and amending claims 1-2, 7-10, 17-18, and 22. In light of Applicant's amendments, Examiner withdraws the claim objection of claims 2, 10, and 18, and the § 112 rejection of claims 7 and 9. Further, in light of Applicant's amendments, Examiner withdraws the § 103 rejection of claims 1-11 and 15-26. However, new grounds of rejection are established in the instant Office action for claims 1-11 and 15-26. Since the new grounds of rejection were necessitated by Applicant's amendment of the claims, the rejection of claims 1-11 and 15-26 is a final rejection of the claims.

Response to Arguments

2.   In light of Applicant's amendments, Examiner withdraws the objection of claims 2, 10, and 18.

3.   In light of Applicant's amendments, Examiner withdraws the § 112 rejection of claims 7 and 9.

4.   Applicant's arguments with respect to claims 1-11 and 15-26 have been considered, but are moot in view of the new grounds of rejection.

Claim Rejections - 35 USC § 103

5.   The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in § 102 of this title, if the differences between the subject matter sought to be patented and the
> prior art are such that the subject matter as a whole would have been obvious at the time the invention
> was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

6.   Claims 17-26 are rejected under 35 U.S.C. § 103(a) as being unpatentable over

Ram (2003/0004853 A1) in view of Silverman (6,625,583 B1), and further in view

of Del Rey (7,103,556 B2).

As to claims 17 and 18, Ram shows receiving market data from an electronic

exchange comprising a best bid price and a best ask price currently available for

a first tradeable object (Ram: page 1, ¶ 13; and Fig. 3); displaying a market

information display region comprising a plurality of locations arranged along a

price axis such that each location corresponds to a price level of the first

tradeable object (Ram: Fig. 10, label 102) being traded on the electronic

exchange, wherein the market information display region displays the market

data (Ram: page 2, ¶ 27); monitoring market data associated with the second

tradeable object (Ram: page 11, ¶ 207).

Ram does not show displaying the annotation in relation to at least one location corresponding to at least one price level along the price axis in the market information display region associated with the first tradeable object. Silverman shows displaying the annotation in relation to at least one location corresponding to at least one price level along the price axis in the market information display region associated with the first tradeable object (Silverman: Fig. 5A). It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the method and the computer readable medium of Ram by displaying the annotation in relation to at least one location corresponding to at least one price level along the price axis in the market information display region associated with the first tradeable object of Silverman in order to easily maintain a clear audit trail (Silverman: col. 1, lines 55-56).

Ram in view of Silverman does not show defining an event associated with a second tradeable object to trigger creation of an annotation; detecting the event associated with the second tradeable object based on the market data associated with the second tradeable object; and displaying an annotation associated with the event. Del Rey shows defining an event associated with a second tradeable object to trigger creation of an annotation (Del Rey: col. 9, lines 56-60); detecting the event associated with the second tradeable object based on the market data associated with the second tradeable object (Del Rey: col. 8, lines 9-17); and displaying an annotation associated with the event (Del Rey: col. 9, lines 47-51). It would have been obvious to one of ordinary skill in the art at the

time of the invention to have modified the method and the computer readable medium of Ram in view of Silverman by defining an event associated with a second tradeable object to trigger creation of an annotation; detecting the event associated with the second tradeable object based on the market data associated with the second tradeable object; and displaying an annotation associated with the event of Del Rey in order to provide more powerful support platform (Del Rey: page 1, line 35).

As to claim 19, Ram in view of Silverman, and further in view of Del Rey, shows all the elements of claim 17. Ram in view of Del Rey does not show that the annotation is displayed in relation to at least one user configurable price level. Silverman shows that the annotation is displayed in relation to at least one user configurable price level (Silverman: Fig. 5A; col. 6, lines 40-42). It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the method of Ram in view of Del Rey by displaying an annotation in relation to at least one user configurable price level of Silverman in order to easily maintain a clear audit trail (Silverman: col. 1, lines 55-56).

As to claim 20, Ram in view of Silverman, and further in view of Del Rey, shows all the elements of claim 17. Ram also shows that the plurality of locations corresponds to at least a portion of a static axis of prices (Ram: Fig. 10, label 102).

As to claim 21, Ram in view of Silverman, and further in view of Del Rey, shows all the elements of claim 17. Ram also shows that the event comprises a market event (Ram: page 2, ¶ 25 and ¶ 27).

As to claim 22, Ram shows a trading application for displaying a trading screen interface comprising a market information display region with a plurality of locations arranged along a price axis such that each location corresponds to a price level of a first tradeable object (Ram: Fig. 10, label 102) being traded on at least one electronic exchange (Ram: page 2, ¶ 27), wherein the trading screen interface displays market data corresponding to a first tradeable object (Ram: Fig. 10).

Ram does not show displaying the annotation in relation to at least one location along the price axis on the market information display region. Silverman shows displaying the annotation in relation to at least one location along the price axis on the market information display region (Silverman: Fig. 5A). It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the system of Ram by displaying the annotation in relation to at least one location along the price axis on the market information display region of

Silverman in order to easily maintain a clear audit trail (Silverman: col. 1, lines 55-56).

Ram in view of Silverman does not show an annotation application for receiving an input from a user input device to flag at least one price level; for receiving user data for entry into an annotation and for linking the annotation to the at least one price level; and further for displaying the annotation associated with the at least one flagged price level. Del Rey shows an annotation application for receiving an input from a user input device to flag at least one price level (Del Rey: col. 8, lines 9-17); for receiving user data for entry into an annotation (Del Rey: col. 9, lines 47-51) and for linking the annotation to the at least one price level (Del Rey: col. 9, lines 47-51); and further for displaying the annotation associated with the at least one flagged price level (Del Rey: col. 9, lines 56-60). It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the system of Ram in view of Silverman by an annotation application for receiving an input from a user input device to flag at least one price level; for receiving user data for entry into an annotation and for linking the annotation to the at least one price level; and further for displaying the annotation associated with the at least one flagged price level of Del Rey in order to provide more powerful support platform (Del Rey: page 1, line 35).

As to claim 23, Ram in view of Silverman, and further in view of Del Rey, shows all the elements of claim 22. Ram also shows that the plurality of locations

corresponds to a plurality of prices being along at least a portion of a static axis of prices (Ram: Fig. 10, label 102).

As to claim 24, Ram in view of Silverman, and further in view of Del Rey, shows all the elements of claim 22. Ram in view of Del Rey does not show that the annotation comprises a user generated annotation. Silverman shows that the annotation comprises a user generated annotation (Silverman: Fig. 5A, label 507; and col. 2, lines 4-9). It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the system of Ram in view of Del Rey by annotation comprising a user generated annotation of Silverman in order to easily maintain a clear audit trail (Silverman: col. 1, lines 55-56).

As to claim 25, Ram in view of Silverman, and further in view of Del Rey, shows all the elements of claim 22. Ram in view of Del Rey does not show that the annotation comprises a dynamic annotation that is automatically generated upon detecting a predetermined event associated with a second tradeable object. Silverman shows that the annotation comprises a dynamic annotation that is automatically generated upon detecting a predetermined event associated with a second tradeable object (Silverman: Fig. 4, label 422; Fig. 8, label 804; and col. 5, lines 58-60). It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the system of Ram in view of Del Rey by the annotation comprising a dynamic annotation that is automatically generated

upon detecting a predetermined event associated with a second tradeable object of Silverman in order to easily maintain a clear audit trail (Silverman: col. 1, lines 55-56).

As to claim 26, Ram in view of Silverman, and further in view of Del Rey shows all the elements of claim 25. Ram in view of Silverman does not show that the at least one price level to be flagged for the dynamic annotation is user configurable. Del Rey shows that the at least one price level to be flagged for the dynamic annotation is user configurable (Del Rey: col. 9, lines 47-51). It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the system of Ram in view of Silverman by the at least one price level to be flagged for the dynamic annotation being user configurable of Del Rey in order to provide more powerful support platform (Del Rey: page 1, line 35).

7.   Claims 1-11 and 15-16 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Ram in view of Silverman, further in view of Del Rey, and further in view of Wright (2002/0091679 A1).

As to claims 1 and 2, Ram shows receiving market data from an electronic exchange comprising a best bid price and a best ask price currently available for

a tradeable object (Ram: page 1, ¶ 13; and Fig. 3); and displaying a market information display region comprising a plurality of locations arranged along a price axis such that each location corresponds to a price level of a first tradeable object (Ram: Fig. 10, label 102) being traded on at least one electronic exchange (Ram: page 2, ¶ 27), wherein the market information display region displays the market data (Ram: Fig. 10).

Ram does not show providing a graphical interface to be used to record user defined annotations relative to the plurality of locations displayed via the market information display region; and displaying the first annotation in relation to at least one location along the price axis in the market information display region. Silverman shows providing a graphical interface to be used to record user defined annotations relative to the plurality of locations displayed via the market information display region (Silverman: Fig. 5A); and displaying the first annotation in relation to at least one location along the price axis in the market information display region (Silverman: Fig. 5A). It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the method and the computer readable medium of Ram by providing a graphical interface to be used to record user defined annotations relative to the plurality of locations displayed via the market information display region; and displaying the first annotation in relation to at least one location along the price axis in the market information display region of Silverman in order to easily maintain a clear audit trail (Silverman: col. 1, lines 55-56).

Ram in view of Silverman does not show receiving a command from a user input device to flag at least one price level; and receiving user data via the graphical interface, the user data for entry into a first annotation to record an occurrence of an event. Del Rey shows receiving a command from a user input device to flag at least one price level (Del Rey: col. 8, lines 9-12; and col. 9, lines 47-49); and receiving user data via the graphical interface (Del Rey: col. 10, lines 17-19), the user data for entry into a first annotation to record an occurrence of an event (Del Rey: col. 9, lines 49-51). It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the method and the computer readable medium of Ram in view of Silverman by receiving a command from a user input device to flag at least one price level; and receiving user data via the graphical interface, the user data for entry into a first annotation to record an occurrence of an event of Del Rey in order to provide more powerful support platform (Del Rey: page 1, line 35).

Ram in view of Silverman, and further in view of Del Rey, does not show linking the first annotation to the at least one flagged price level; and the first annotation corresponding to the at least one flagged price level. Wright shows linking the first annotation to the at least one flagged price level (Wright: page 1, ¶ 35); and the first annotation in corresponding to the at least one flagged price level (Wright: page 1, ¶ 35). It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the method and the computer readable medium of Ram in view of Silverman, and further in view of Del Rey, by

linking the first annotation to the at least one flagged price level; and the first annotation corresponding to the at least one flagged price level of Wright in order to allow the user to effectively and quickly search through large quantities of data and pick out only the items of interest to the task at hand (Wright: page 1, ¶ 6).

As to claim 3, Ram in view of Silverman, further in view of Del Rey, and further in view of Wright, shows all the elements of claim 1. Ram also shows that the event is associated with the first tradeable object (Ram: Fig. 3, labels 200 and 305; and page 2, ¶ 18).

As to claim 4, Ram in view of Silverman, further in view of Del Rey, and further in view of Wright, shows all the elements of claim 1. Ram also shows that the plurality of locations corresponds to a plurality of prices along at least a portion of a static axis of prices (Ram: Fig. 10, label 102).

As to claim 5, Ram in view of Silverman, further in view of Del Rey, and further in view of Wright, shows all the elements of claim 1. Ram also shows that the event comprises a market event (Ram: page 2, ¶ 25 and ¶ 27).

As to claim 6, Ram in view of Silverman, further in view of Del Rey, and further in view of Wright, shows all the elements of claim 1. Ram also shows that the market event is associated with historical data (Ram: page 3, ¶ 56).

As to claim 7, Ram in view of Silverman, further in view of Del Rey, and further in view of Wright, shows all the elements of claim 1. Ram also shows detecting an occurrence of the event associated with a second price level (Ram: page 2, ¶ 25); and dynamically updating a location to a second location associated with the second price level (Ram: page 2, ¶ 25).

Ram in view of Del Rey, and further in view of Wright, does not show an annotation associated with a second price level, and a location of the first annotation. Silverman shows an annotation associated with a second price level and a location of the first annotation (Silverman: Fig. 5A, labels 501 and 507, where the annotation is associated with any one in sequence of the price levels). It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the method of Ram in view of Del Rey, and further in view of Wright, by associating an annotation with a second price level, and a location of the first annotation of Silverman in order to easily maintain a clear audit trail (Silverman: col. 1, lines 55-56).

As to claim 8, Ram in view of Silverman, further in view of Del Rey, and further in view of Wright, shows all the elements of claim 1. Ram also shows detecting an

occurrence of the event associated with a second price level (Ram: page 2, ¶ 25).

Ram in view of Del Rey, and further in view of Wright, does not show displaying a second annotation in relation to a location corresponding to the second price level. Silverman shows displaying a second annotation in relation to a location corresponding to the second price level (Silverman: see Fig. 5A, labels 501 and 507)). It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the method of Ram in view of Del Rey, and further in view of Wright, by displaying a second annotation in relation to a location corresponding to the second price level of Silverman in order to easily maintain a clear audit trail (Silverman: col. 1, lines 55-56).

As to claim 9, Ram in view of Silverman, further in view of Del Rey, and further in view of Wright, shows all the elements of claim 1.

Ram in view of Del Rey, and further in view of Wright, does not show that the annotation indicator comprises a graphical indicator. Silverman shows that the annotation indicator comprises a graphical indicator (Silverman: Fig. 5A). It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the method of Ram in view of Del Rey, and further in view of Wright, by the annotation indicator comprising a graphical indicator of Silverman in order to easily maintain a clear audit trail (Silverman: col. 1, lines 55-56).

As to claim 10, Ram in view of Silverman, further in view of Del Rey, and further in view of Wright, shows all the elements of claim 9.

Ram in view of Del Rey, and further in view of Wright, does not show that the graphical indicator further comprises a text message corresponding to the event. Silverman shows that the graphical indicator further comprises a text message corresponding to the event (Silverman: see Fig. 5A, label 507). It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the method of Ram in view of Del Rey, and further in view of Wright, by the graphical indicator further comprising a text message corresponding to the event of Silverman in order to easily maintain a clear audit trail (Silverman: col. 1, lines 55-56).

As to claim 11, Ram in view of Silverman, further in view of Del Rey, and further in view of Wright, shows all the elements of claim 1.

Ram in view of Silverman, and further in view of Wright, does not show that flagging at least one price level comprises selecting the at least one location corresponding to the at least one price level. Del Rey shows that flagging at least one price level comprises selecting the at least one location corresponding to the at least one price level (Del Rey: col. 8, lines 9-17). It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the method of Ram in view of Silverman, and further in view of Wright, by flagging at least one price level comprising selecting the at least one location corresponding

to the at least one price level of Del Rey in order to provide more powerful support platform (Del Rey: page 1, line 35).

As to claim 15, Ram in view of Silverman, further in view of Del Rey, and further in view of Wright, shows all the elements of claim 1. Ram also shows defining an event associated with a second tradeable object (Ram: page 2, ¶ 25; and page 11, ¶ 205); monitoring market data related to the second tradeable object (Ram: page 11, ¶ 207); detecting the event associated with the second tradeable object (Ram: page 11, ¶ 207); and displaying at least one location corresponding to at least one price level on the market information display region associated with the first tradeable object (Ram: page 2, ¶ 17).

Ram in view of Del Rey, and further in view of Wright, does not show displaying an annotation created for the event associated with the second tradeable object. Silverman shows displaying an annotation created for the event associated with the tradeable object (Silverman: Fig. 5A, label 507). It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the method of Ram in view of Del Rey, and further in view of Wright, by displaying an annotation created for the event associated with the tradeable object of Silverman in order to easily maintain a clear audit trail (Silverman: col. 1, lines 55-56).

As to claim 16, Ram in view of Silverman, further in view of Del Rey, and further in view of Wright, shows all the elements of claim 15.

Ram in view of Del Rey, and further in view of Wright, does not show that the at least one price level corresponding to the second annotation comprises at least one user configurable price level. Silverman shows that the at least one price level corresponding to the second annotation comprises at least one user configurable price level (Silverman: Fig. 5A; and col. 6, lines 40-42). It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the method of Ram in view of Del Rey, and further in view of Wright, by displaying an annotation in relation to the at least one price level corresponding to the second annotation comprising at least one user configurable price level of Silverman in order to easily maintain a clear audit trail (Silverman: col. 1, lines 55-56).

Conclusion

9.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Buinevicius (2004/0093349 A1) discloses system for and method of capture, analysis, management, and access of disparate types and sources of media, biometric, and database information.

10.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to VIRPI H. KANERVO whose telephone number is (571)272-9818. The examiner can normally be reached on Monday - Thursday, 8:00 a.m. - 5:00 p.m., EST. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander G. Kalinowski can be reached on (571) 272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

11.   Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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